

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19435 of 2024

Arising Out of PS. Case No.-101 Year-2023 Thana- BELA INDUSTRIAL District-
Muzaffarpur

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Baidya Nath Singh S/o Late Rambriksh Singh R/o at Ramnagar, P.O.- Dholi,
P.S.- Sakra, District- Muzzafarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Rajeev Kumar Singh, Advocate
	:	Mr.Prabhojot Singh, Advocate
For the Opposite Party/s	:	Ms.Pushpa Sinha, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 18-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Bela
P.S. case No. 101 of 2023 instituted for the offences under
Sections 341, 342, 323, 324, 307, 504, 506/34 of the Indian
Penal Code.

3. Prosecution case, in short, is that petitioner along
with other co-accused persons attacked the informant. The
petitioner fired a pistol which missed the informant. It is further
alleged that petitioner along with other co-accused persons
assaulted the informant with *lathi* and rods. It is also alleged that
this petitioner incited other accused persons to kill the



informant.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel for the petitioner submitted that general and omnibus allegation has been made against the petitioner. Learned counsel further submitted that though it is alleged that this petitioner fired pistol on the informant but FIR is not registered under the Arms Act. The only specific allegation against this petitioner is of firing on the informant but no any firearm injury has been caused to the informant. Learned counsel further submitted that there is a delay of 9 days in lodging the FIR without plausible explanation, which in itself, raises doubt over the prosecution story. It is further submitted by the learned counsel that from the perusal of the F.I.R., it is very clear that informant himself fell down in the drainage and got injured. It has been submitted on behalf of the petitioner that the petitioner is in custody since 24.12.2023 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, clean antecedent as also the period of custody



undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bela P.S. case No. 101 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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